

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JASON ANDREW WRIGHT,

Case No. 2:14-cv-02058-JE

Petitioner,

ORDER

v.

STATE OF OREGON,

Respondent.

JELDERKS, Magistrate Judge.

This 28 U.S.C. § 2254 habeas corpus case comes before the court on petitioner's Motion for Dismissal of All Legal Charges (#25), Objection to Court's Denying Petitioner's Motion for Reconsideration (#26), and Objection to Granting an Extension of Time (#27). Petitioner claims that counsel for respondent has not attempted to confer with him about its Motion to Substitute Party (#12) and Motion for Extension of Time (#20), and has not served him with those Motions.

As an initial matter, and as the court has previously advised petitioner, a party submitting a written motion to the court is

required to serve the motion upon every party to the lawsuit. Fed. R. Civ. P. 5(a). Such motions must also include a certificate of service. Fed. R. Civ. P. 5(d)(1). While petitioner includes certificates of service with his Motions, he does not certify that he served his Motions on counsel for respondent. As such, the Motions are denied without prejudice.

The court also notes that although petitioner claims respondent never notified him regarding its Motions, the record reveals that respondent did include certificates of service with its Motion to Substitute Party and Motion for Extension of Time where counsel certified that she mailed copies of the Motions to petitioner.

Respondent is requested to note that petitioner is not an incarcerated individual for purposes of conferral.

IT IS SO ORDERED.

DATED this 29 day of June, 2015.

A handwritten signature in black ink, appearing to read "John Jelders", is written over a horizontal line.

John Jelders
United States Magistrate Judge